

AF
JW

AMENDMENT TRANSMITTAL

PATENT

Application No.: 09/659,864
Filing Date: 9/12/00
First Named Inventor: Vogel, J. Leslie III
Examiner's Name: Tran, T.
Art Unit: 2134
Attorney Docket No.: 04860.P2436

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: Reply brief under 37 C.F.R. §41.41 (4 pgs.)
- ☐ Other:
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
TYPED OR PRINTED NAME: Sheryl Sue Holloway
SIGNATURE:
REG. NO.: 37,850
DATE: Jan. 9, 2006
ADDRESS: 12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
TELEPHONE NO.: (408) 720-8300

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on January 9, 2007

Cheri Clinkenbeard

Signature Date of Deposit January 9, 2007
Name of Person Mailing Correspondence Date

Express Mail Label No. (if applicable):



Patent Docket No. 4860.P2436

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner:	Tran, Tongoc
)	
Vogel, J. Leslie III) Art Unit:	2134
)	
Application No. 09/659,864) Confirmation No.:	5866
)	
Filed: September 12, 2000)	
)	
For: USER CONTROL OF A)	
SECURE WIRELESS)	
COMPUTING NETWORK)	
)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

The Examiner's Answer mailed November 9, 2006 withdrew the rejections of claims 1, 16, 21, 26, 31, 36, 42 and 46 under 35 U.S.C. § 112, first paragraph, and the rejection of claims 1, 16, 21, 26, 31, 36, 42 and 46 under 35 U.S.C. § 102(a). The Examiner maintains the rejections of claims 1-51 under 35 U.S.C. § 103. In response to the Examiner's newly provided arguments, Appellant respectfully submits the following counter arguments.

Rejection of representative claims 1 and 42 under 35 U.S.C. § 103(a) over the combination of Lewis and Quick

1. On pages 14-15 of the Answer, the Examiner asserts that Lewis teaches the set of authentication protocols as claimed in claim 1 because "Lewis clearly encompasses at least one authentication protocol in accordance with the 802.11 standard as claimed." First, Appellant is not claiming authentication protocols in accordance with the 802.11 standard. Appellant submitted the 802.11 standard with the Appeal Brief as evidence that

Appellant's Specification is in compliance with 35 U.S.C. § 112, first paragraph rejection. Appellant respectfully submits that the Examiner is improperly reading limitations from Appellant's specification into the claims. Second, the Examiner's statement that Lewis discloses "at least one authentication protocol" is misleading. In fact, Lewis discloses only one authentication protocol, shared key. Thus, Lewis cannot be properly interpreted as disclosing more than one authentication protocol.

2. On pages 15-16 of the Answer, the Examiner states that Quick discloses that a terminal public key can be concatenated with a random number, and thus the concatenation result is equivalent to Appellant's claimed authentication information that is generated using a key. In support of his argument, the Examiner has quoted a portion of Appellant's Specification as evidence that Appellant's authentication information can be a public key. However, when read in context, it is clear that the reference to keys in the quoted section is not referring to Appellant's claimed authentication information but is instead referring to Appellant's first and second keys that are claimed in claim 1. Even assuming that Appellant's claimed authentication information can be considered equivalent to Quick's concatenation result, Appellant respectfully points out that Appellant's authentication information is used by the access point to validate the station. In contrast, Quick discloses that the concatenation result is used by the serving system as a subscription registration request. Instead Quick uses random numbers to authenticate the terminal by the home serving system (Quick: column 5, lines 9-25). There is no disclosure anywhere in Quick that even suggests that the concatenation result is used by an access point to validate the terminal. Thus, Quick's concatenation result cannot be properly interpreted as equivalent to Appellant's authentication information that is generated using a key and used by an access point to verify the station.

3. On pages 16-17 of the Answer, the Examiner states that Lewis discloses a mobile terminal checks to determine if a new encryption key has been received from the access point. In addition, the Examiner states that Lewis' key distribution server transmits a key to the mobile terminal via the access point. The Examiner relies on these two arguments to assert that Lewis discloses sending a security preference from an access point to a station in response to a request from the station for the security preference as claimed in Appellant's claim 1. Once again, Appellant respectfully points

out that the Examiner is improperly equating Lewis' encryption keys with Appellant's claimed security preferences. Applicant can only assume that the Examiner is confusing the type of security preference called "shared key" in claim 1 with the actual encryption key that is shared between the access point and the station. However, in claim 1, Appellant claims the security preference and two encryption keys ("second key" and "channel key") as three separate elements with different functions. The claimed security preference specifies a authenticate protocol, such as "shared key." The claimed "second key" encrypts a channel key. The claimed channel key encrypts data. Appellant does not claim, nor does Appellant's Specification disclose, that a security preference can be used as an encryption key. Thus, it is improper to interpret Appellant's claimed security preference as equivalent to an encryption key. Accordingly, Examiner's assertion that Lewis' encryption key is equivalent to Appellant's security preferences is clearly erroneous.

4. On page 17 of the Answer, the Examiner asserts that Lewis discloses a data structure as claimed in claim 42 in Figures 4 and 5. Appellant respectfully submits that the tables in Figures 4 and 5 do not contain a transaction sequence number field, an authentication algorithm field, or a dependent information field as claimed by Appellant in claim 42. Therefore, Lewis cannot be properly interpreted as even suggesting Appellant's claimed data structure.

Rejection of representative claim 4 under 35 U.S.C. § 103(a) over the combination of Lewis, Quick and Schneier

5. The Examiner asserts that Lewis and Quick disclose all the elements of claim 1 from which claim 4 depends. However, as shown above, the Examiner's reliance on Lewis and Quick is flawed because the references fail to teach each and every limitation of claim 1. Because Schneier does not fill the gaps in the Lewis and Quick combination, claim 4 is not rendered obvious by the combination of Lewis, Quick and Schneier.

Summary

Accordingly, Appellant respectfully submits that claims 1-51 are patentable under 35 U.S.C. § 103 over the art of record, and respectfully requests the Board directs the Examiner to enter a Notice of Allowance for claims 1-51. In the event the Board decides to remand the case to the Examiner for further prosecution, Appellant again respectfully

requests the Board instruct the Examiner to correct his misinterpretation of the language of the independent claims as noted in point 3 above.

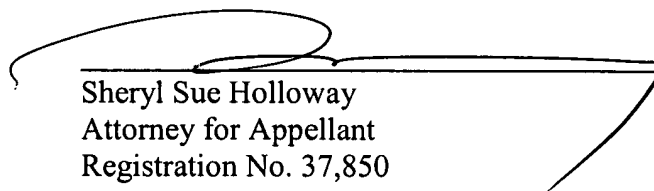
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: January 9, 2007



Sheryl Sue Holloway
Attorney for Appellant
Registration No. 37,850

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300 x3476